IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5862 OF 2004

Shri Shiv Prasad Vishwakarma & Anr. ..Applicants.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Shri Bipin Jagoje with Akhilesh Singh for Applicants.
Shri A. S. Gadkari, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 09, 2005

PC :-

. Heard learned counsel for the applicants and learned APP for the State.

2. The argument that the version given in the complaint is not consistent with the findings of the investigating officer arrived at after an inquiry, in my opinion, will not permit this court to quash the complaint as filed. Even if there is some exaggeration in the complaint, the entire complaint cannot be thrown out because even the investigation made by the police indicates that some incident had taken place on 20th January, 2004.

3. The argument that no particulars about what

complaints have been made by the accused against the complainant, so as to harass the complainant and to defame him, also cannot be the basis for quashing the complaint as filed; because the complaint in any case will have to proceed in relation to the specific incident of 20th January, 2004, as stated in the complaint.

4. The argument that on the relevant date in particular at 8.30 p.m., the complainant was attending his job, which circumstance was pressed into service on the basis of wages debit sheet for outside work at page 27, is a matter of defence which will have to be considered at the trial.

5. Considering all the relevant aspects and reading the complaint as a whole, the same cannot be quashed on the arguments canvassed before me.

6. Hence, dismissed.

7. Ordered accordingly.

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